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EXTRAORDINARY

भाग I—खण्ड १

PART I—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF COMMERCE

PUBLIC NOTICE

IMPORT TRADE CONTROL

New Delhi, the 23rd March 1968

SUBJECT:—Imports from the U.S.A. under U.S. AID Commodity Programme Assistance, 1966 (Aid Loan No. 386-H-160).

No. 146-ITC(PN)/68.—Attention of the importers is invited to Ministry of Commerce Public Notice No. 115-ITC(PN)/66, dated the 11th August, 1966, as amended by Public Notices—

- (i) No. 126-ITC(PN)/66, dated 2nd September, 1966.
- (ii) No. 146-ITC(PN)/66, dated 8th November, 1966.
- (iii) No. 36-ITC(PN)/67, dated 24th May, 1967.
- (iv) No. 43-ITC(PN)/67, dated 19th June, 1967.
- (v) No. 72-ITC(PN)/67, dated 5th August, 1967.
- (vi) No. 147-ITC(PN)/67, dated 10th October, 1967.
- (vii) No. 149-ITC(PN)/67, dated 13th October, 1967.

setting out the terms and conditions applicable to import licences issued under Aid Loan No. 386-H-160.

2. The following further amendments to the aforesaid Public Notice No. 115-(PN)/66, dated the 11th August, 1966, are notified:—

I. In paragraph 3—

- (i) In the Note under clause (b), For the first sentence *viz.*, "No order should be placed on a U.S. Supplier if it involves issuance of a letter of credit in dollars of a sum less than one thousand dollars".

Read "In the case of licences issued up to the 30th December, 1967, no order should be placed on a U.S. Supplier if it involves issuance of a letter of credit in dollars of a sum less than \$ 1000 and in the case of licences issued on or after the 30th December 1967 no order should be placed on a U.S. Supplier if it involves issuance of a Letter of Credit in dollars of a sum less than \$ 5000".

- (ii) In the Note under clause (d). For the existing provision *viz.* "Letter of Credit for less than \$ 1000 should not be opened".

Read "Letter of Credit for less than \$ 1000 should not be opened if the licence is one issued prior to the 30th December 1967. For licences issued on or after the 30th December, 1967, the minimum limit of \$ 5000 for the opening of Letter of Credit will apply and single shipment for a value of less than Rs. 41,250 will not be permitted".

II. In the Appendix:—

- (a) In clause (I), relating to eligible items,

For the third sentence *viz.*, "The minimum value for which a licence will issue is Rs. 7,500/-".

Read "The minimum value for which a licence will issue is Rs. 7,500/- but for licences issuing on or after the 30th December, 1967 the minimum value will be Rs. 41,250".

- (b) In clause (iv). 2. relating to Sole Agency Waiver, add the following as a Note at the end:

"NOTE.—AID, Washington are cancelling all the old Sole Agency Waivers issued prior to the 1st November, 1964. Importers who hold Sole Agency Waivers issued prior to the 1st November, 1964, should advise their U.S. Suppliers to obtain fresh Sole Agency Waivers from the Office of Small Business, AID, Washington, by complying with the provisions set forth in Section 201.24 of AID Regulation I."

- (c) In Clause (VI), relating to time limit for placing of orders, in, the Note to that clause,

For the first sentence *viz.* "No order should be placed on a U.S. Supplier if it involves issuance of letter of credit in dollars of a sum less than one thousand dollars".

Read "In the case of licences issued up to the 30th December, 1967, no order should be placed on a U.S. Supplier if it involves issuance of a letter of credit in dollars of a sum less than \$ 1000 and in the case of licences issued on or after the 30th December, 1967, no order should be placed on a U.S. Supplier if it involves issuance of a letter of credit in dollars of a sum less than \$ 5000."

- (d) In Clause (X), relating to payments against import licences, in the fourth sub-paragraph, in the Note thereto,

For the existing provision *viz.* "Letter of Credit for less than \$ 1000 should not be opened".

Read "Letter of Credit for less than \$ 1000 should not be opened if the licence is one issued prior to the 30th December 1967. For licences issued on or after the 30th December 1967, the minimum limit of \$ 5000 for the opening of Letter of Credit will apply and single shipment for a value less than Rs. 41,250 will not be permitted."

III. In Annexure I, list of eligible items:

- (i) In Serial No. I, relating to 'Fats & Oils—when used for other than edible purposes',

Insert the following items under columns 2, 3 and 4 at the appropriate places:

"(2)	(3)	(4)
0507	Coconut Oil	See Annexure XII
0516	Tung Oil	-do-

and delete the following from the list given under the heading 'Exceptions' in Column 3.

"Coconut Oil
Palm Oil
Oiticia Oil
Tung Oil".

- (ii) Between Serial No. 3 and Serial No. 4,
insert the following as Serial Nos. 3A and 3B under columns 1, 2 and 3:—

"(1)	(2)	(3)
3A	0709	Lactose for industrial or pharmaceutical use and Beet Molasses for use in the manufacture of Cynocobalamin.
3B	1909	Vegetable Fibres (except cotton)— See Note below

NOTE.—Cordage Fibre, Abaca & Sisal, is to be procured under a special procedure. Licences if issued for these items will not be governed by the provisions of this Public Notice. The conditions applicable to them will be intimated when the licences are issued.

- (iii) In Serial No. 5 relating to AID Commodity Code No. 2159—Naval Stores Gums and Resins,

Add the following as a Note under column 3:—

"NOTE.—Shellac, Flake, is to be procured under a special procedure. Licences if issued for this item will not be governed by the provisions of this Public Notice. The conditions applicable to them will be intimated when the licences are issued."

- (iv) In Serial No. 9, relating to Medicinal and Pharmaceutical preparations under the head "Exceptions" in column 3,

delete the following:—

Item No. 3 Contraceptives
Item No. 11 Iodine
Item No. 12 Lactose
Item No. 13 Gelatin Edible grade

Renumber.—the remaining item under the same heading as 1 to 13 and add the following as items 14 & 15,

"14. Drugs containing any amount of Dipyrone, Theracetazone or Bromoforms,

15. Pharmaceuticals in finished dosage form"

NOTE.—Finished dosage form is the form in which a medication is dispensed by a firm regularly engaged in the manufacture of pharmaceutical products. Sterilization, tableting and capsuling are processes which produce "finished dosage forms". The mere packing or rebottling of tablets, capsules, ointments or solutions does not constitute such a process.

- (v) In Serial No. 10, relating to 'Chemicals and Chemical preparations etc.',

(A) under columns (2) & (3),

insert the following at the appropriate place:—

(2)	(3)
3907	Carbon Black

(B) Under column 3:

(i) For the words 'Coal Tar Products (except dye stuffs)' against AID Commodity Code 3901,

Read "Coal Tar and other Cyclical Chemical Products (except dyestuffs).

(ii) For the words 'Dyeing and tanning extracts and coal tar dyestuffs' against AID Commodity Code 3904,

Read "Dyeing and tanning extracts and coal tar dyestuffs—See Note below"

(iii) For the words "Industrial Chemicals (other than alcohol)" against AID Commodity Code No. 3906

Read "Industrial Chemicals (other than alcohol)—See note below."

(iv) Under the heading "Exceptions":

"(i) For the word '6-Iodine'

Read "6. Crudo Iodine".

(ii) add the following after item 9, Essential Oils:

"10. Chewing gum bases.

11. Pyrotechnical articles other than for scientific or industrial use.

12. Battery additives.

13. Conditioners for motor cooling systems.

14. Rust inhibitors or preventives.

15. Sealing compounds."

(v) Add the following note after the entries under the heading "Exceptions".

"NOTE: The following items under AID Commodity Code 3904 and 3906 are to be procured under a special procedure Licences, if issued for any of these items will not be governed by the provisions of this Public Notice. The conditions applicable to them will be intimated when the licences are issued."

A. Under AID Commodity Code 3904

1. Chestnut sold or powdered

2. Quebracho, solid form

3. Wattle, solid form.

B. Under AID Commodity Code 3906

1. Aluminium Oxide

(vi) In item 17, relating to "Pulp Paper and Paper Products' (except News-print)", under columns 2 and 3,

(a) For the existing entry "5912-Pulp"

Read the existing entry "5913-Pulp"

(b) Delete the existing entries '5919—Other Paper and products" and

Insert the following:

(2)

(3)

5914 Other pulp.

5916 Corrugating material of paper and paper board.

5917 Kraft Paper and Kraft Paper board.

5918 Other Paper and Products not elsewhere classified.

(vii) In Serial No. 20, relating to "Petroleum Non-Fuels",

(a) Under Columns 2 and 3,

For the existing entry "6212 Misc. Liquid Petroleum Products (including additives of Petroleum Origin for motor oils)"

Read "6212 Misc. Liquid Petroleum Products (including Additives for Lubricating and Fuel Oils)".

(b) In column 3, under the heading "Exceptions"

For the words "Petroleum asphalt is not eligible"

Read as follows:

"the following items are not eligible.

1. Petroleum Asphalt.
2. Rust Preventives".

(viii) In serial No. 21, relating to AID Commodity Code 6409, Non-metallic Minerals and Products, in column 3,

(a) after the words "Non-metallic minerals and Products".

Insert the words "See Note below".

and add the following note below the existing entries under the heading "Exception":

"NOTE.—The following items are to be procured under a special procedure. Licences if issued for these items will *not* be governed by the provisions of this Public Notice. The conditions applicable to them will be intimated when the licences are issued.

1. Graphite—Domestic Lubricant Malagasy Flake.
2. Lithium Hydroxide.
3. Asbestos—Amosite Fiber.
4. Asbestos—Chrysotile Fiber.
5. Asbestos—Crocidolite Fiber.
6. Colemanite—39.46 per cent B2 O3 in bulk.
7. Fluorspar, Acid Grade, in bulk, lumpy.
8. Mica, Muscovite Block.
9. Mica Muscovite Film.
10. Mica Muscovite Splittings.
11. Mica Phlogopite Block and Phlogopite Splittings.
12. Quartz Crystals, Crude.
13. Tale, Steatite, block, lump and ground in bags, boxes and bulk.
14. Celestite—83-86.9 per cent Sr SO₄
90.1-90.4 per cent Sr SO₄"

(b) Under the heading 'Exception'

(i) For the words "Cement" in item 1,

Read "Cement (except white)".

(ix) In serial No. 22, relating to Iron and Steel Mill Products, in column 3,

(a) Under the heading 'Exception'

For "Ferro manganese"

Read "1. Ferro-manganese"

and add the following thereafter as item 2.

"2. Ferronickel"

(b) Delete the Note and all entries there against relating to procurement of ferro-nickel under a special procedure.

(x) Between Serial No. 25 (Copper) and Serial No. 26 (Lead),

Insert the following as items 25A under columns 1, 2 and 3:—

"	(1)	(2)	(3)
	24A	6930	Quick Silver or Mercury—
			See Note below.

NOTE.—Quick Silver or Mercury is to be procured under a special procedure. Licences, if issued for this item, will not be governed by the provisions of this Public Notice. The conditions applicable to them will be intimated when the licences are issued."

- (xi) *Delete* serial No. 27 relating to "Nickel" and all connected entries under columns 1, 2 & 3 as Nickel (in all forms) is not eligible.
- (xii) In serial No. 28, relating to "Tin", under column 3,
 - (a) against AID Commodity Code 6964,
For the words "Tin unwrought"
Read "Tin unwrought limited to Pig tin in bulk—
See Note below"
 - (b) *Delete* the next entry viz. other Primary Forms and Basic Shapes along with AID Commodity Code 6969 in Col. 2.
- (xiii) In serial No. 30, relating to "Miscellaneous Industrial Non-Ferrous Metals and their products".
 - (a) in column 3, after the words 'Rehenium, Vanadium and other alloys'

insert the words "See Note below".
 - (b) *Delete* the existing entry "Exception: Mercury and Quick Silver are not eligible"
and substitute the following Note in its place.

"NOTE: The following items are to be procured under a special procedure. Licences if issued for any of these items will not be governed by the provisions of this Public Notice. The conditions applicable to them will be intimated when the licences are issued.

1. Titanium Sponge
2. Cobalt—Cathodes, Rondelles and briquettes
3. Molybdenum."

- (xiv) In serial No. 33 against AID Commodity Code 7308,
For the words "Engines, Turbines and Parts"
Read "Engines, Turbines and Parts (including Tractor Engines)".
- (xv) In serial No. 34, against AID Commodity Code 7408,
For the words "Construction, Mining, Conveying Equipment and Parts"
Read "Construction, Mining, Conveying Equipment, Attachments, Accessories and parts (including industrial tractors)".
- (xvi) In serial No. 39, relating to AID Commodity Code 7909
"Industrial Machinery, Accessories and parts, not elsewhere classified",
 - (a) *Delete* the existing entry "7909" under column 2;
and
insert the following entries under columns 2 and 3:—

"(2)	(3)
7908	Office Machines, Equipment and parts
7909	Industrial Machinery, Accessories and parts not elsewhere classified".
 - (b) *Delete* the existing entry "Exception: Equipment for the manufacture of contraceptives is not eligible" in column 3.
- (xvii) Between serial Nos. 43 and 44, relating respectively to AID Commodity Codes 8351 and 8409,

Insert the following as serial No. 43 A under columns 1, 2 and 3

"	(1)	(2)	(3)
	43 A	8361	Tractor, parts and Accessories"

(xviii) In serial No. 49, relating to "Misc. Commodities, not elsewhere classified",

Insert the following under columns 2 and 3:—

(2)	(3)
8903	Empty Gelatin Capsules for Pharmaceutical use.

(xix) In serial No. 50 relating to Rubber and Rubber products, in Col. 3, in the entries under the heading "Exception",

Delete the entry "1. Contraceptives"

and Substitute "1. Chewing Gum Bases"

IV. In Annexure XII relating to Special Conditions applicable to certain items of import:

(i) In item 1. relating to Fats & Oils, between AID Commodity Codes 0506 and 0508 *insert* 0557 and after the AID Commodity Code 0515.

insert '0516'

(ii) In item 6, relating to Medical & Pharmaceutical preparations.

For the existing special conditions described under that item, Substitute the following:

6. MEDICAL AND PHARMACEUTICAL PREPARATIONS—(AID COMMODITY CODES, 3701, 3702 and 3705)

A. Medicinal and pharmaceutical preparations must be procured pursuant to specifications contained in the current U.S. pharmacopoeia and in the National Formulary of the U.S.

B. The importer should advise the U.S. Supplier that transactions for the pharmaceuticals must meet the following additional requirements in the "Special Provisions for AID Financing of Commodity Code 370—Medicinal and pharmaceutical preparations" as set out below:—

I. A. Identification

1. Invoices must list, opposite each item billed, the established name, as defined in Section 502(e)(2) of the Federal Food, Drug, and Cosmetic Act, and quantities of active ingredients in each item supplied.

2. Invoices for pharmaceuticals processed into finished-dosage form while in the country area foreign trade zone (free port) or bonded warehouse from which they were shipped to the cooperating country, must show the name and full address of the manufacturer of the finished compound or bulk material which was processed into such finished-dosage form.

B. Specifications and Compliance

Every medicinal or pharmaceutical preparation shall comply with the requirements referenced in paragraph 1, 2 or 3 below:

1. U.S. Federal Food Drug and Cosmetic Act.

(a) Items for which the United States Pharmacopoeia or the National Formulary of the United States has established specifications shall comply with the minimum requirements of such specifications.

(b) Any preparation in finished-dosage form which has ever been approved by U.S. Food and Drug Administration as a 'new drug' must be labeled in accordance with the Food and Drug Administration's requirements

relating thereto. If such preparation is shipped in other than finished-dosage form, it shall comply with minimum requirements of strength, quality, and purity specified in an approved New Drug Application relating to the preparation.

- (c) Any pharmaceutical not included in the USP or NF, which is not an approved 'new drug' and any certifiable antibiotic or product containing insulin, must be supported by the supplier's signed statement that it meets the strength, quality, and purity specified in its labeling, and is safe and efficacious for use as directed in its labeling.
- (d) Any antibiotic or derivative of an antibiotic, and any product containing an antibiotic ingredient or derivative thereof or any drug composed wholly or partly of insulin, must conform with U.S. Food and Drug Administration requirements for such products. Invoices covering such products must show batch number(s) and must be accompanied by copy(ies) of the Food and Drug Certificate(s)* for certifiable product(s). Invoices covering antibiotic bulk must be accompanied by a copy of the results of the check tests and assays conducted by Food and Drug Administration which attest to the strength, purity and quality of the antibiotic bulk shipped.

2. *U.S. Public Health Service, National Institutes of Health.*

Any biological product for human use must comply with safety, sterility, potency and other requirements of the U.S. Public Health Service, National Institutes of Health. Invoices covering any such item shall show evidence of such compliance, unless this requirement has been waived by AID.

3. *U.S. Department of Agriculture, Veterinary Biologics Division.*

Any biological product for veterinary use must comply with safety, sterility, potency, and other requirements of the U.S. Department of Agriculture, Veterinary Biologics Division. Invoices covering any such item shall show evidence of such compliance, unless this requirement has been waived by AID.

C. *Qualification Costs*

1. The cost of collecting samples, if any, must be listed as a separate item in the supplier's invoice in order to be eligible for financing by AID. In addition, the supplier's invoice must be accompanied by a separate itemized invoice covering sampling costs.

2. The cost of plant inspection incurred by foreign suppliers in the process of qualifying for use of the U.S. Food and Drug Administration antibiotic and insulin certification service will not be financed by AID.

D. *Expiration Dates*

The actual expiration date for each product supplied, or an indication that no expiration date was established by its manufacturer, must be listed opposite each item billed. No more than 1/6 of full dating periods from 1 through 18 months, nor 1/3 full dating periods of more than 18 months shall have expired on the date of shipment.

E. *Professional Samples*

Professional samples shall not be furnished in connection with AID-financed sales of pharmaceuticals in other than finished-dosage form. If sales of finished-dosage forms are eligible for AID financing, any professional samples furnished in connection with such sales shall be at the supplier's expense and must contain less than the manufacturer's smallest available commercial package (but not less than an individual dose) of the same product. Each professional sample shall clearly state in its label 'Professional Sample'. Invoices covering AID-financed pharmaceuticals must include an itemized accounting of professional samples related thereto, whether or not shipped separately.

*Instructions for qualifying to use U.S. Food and Drug Administration certification service and for submitting samples for testing and subsequent certification, may be obtained from the Division of Antibiotics and Insulin Certification U.S. Food and Drug Administration.

F. Certification:

The following certification must accompany the other documentation required by AID for reimbursement:—

"I(We) certify that this transaction, financed under Letter of Credit No. _____, meets all requirements of I.A., I.B., I.C., I.D., and I.E., of 'Special Provisions for AID Financing of Pharmaceuticals' as attached to such Letter of Credit and that required certificates are attached hereto."

(Signature) _____

(Title) _____

(Supplier) _____

II. Banks' Responsibilities:

In the Letter of Credit to be opened in favour of the U.S. Supplier, the importer shall ensure that the U.S. Bank is informed that it shall be responsible, *inter-alia*, for:—

A. Attaching 'Special Provisions for AID Financing of Pharmaceuticals' to any Letter of Credit established under this authorisation for the procurement of commodities included in Commodity Codes for pharmaceuticals.

B. Obtaining from suppliers the certification contained in paragraph IF of 'Special Provisions of AID.

Financing of Pharmaceuticals as a requisite for reimbursement".

(iii) Between item 7, relating to "Coal Tar Dyestuffs" and item 8, relating to "Textile Fabrics," insert the following as item 7A:—

"7A.—Carbon Black (Aid Commodity Code 3907)

Form AID 285 executed by the supplier. If the supplier indicates on Form AID-285 in the space provided therefor that he is not also the producer of the Commodity, he shall submit an additional Form-285 executed by the producer of the Commodity, and attach thereto an invoice executed by the producer covering the identical goods for which the supplier seeks payment."

(iv) In item 8, relating to "Textile Fabrics":—

(a) for the existing clause A, substitute

"A. One copy of Form AID 1130-4, Textile Fabrics Supplier's Certification, signed by the supplier, for each item listed on the invoice."

(b) In clause C, for the existing word 'Paragraph C' in the first sentence, substitute 'Paragraph B'.

(v) Between item 9, relating to "Lumber and Lumber Manufactures" and item 10 "Coal and related Fuels" insert the following as item 9A:—

"9A, Wood Pulp, Corrugating Materials of Paper and Paper Board, Kraft Paper and Kraft Paper Board (AID Commodity Codes 5913, 5196 and 5917:

Form AID-285 executed by the supplier. If the supplier indicates on Form AID-285 that he is not also the producer of the Commodity, he shall submit an additional Form AID-285 executed by the producer of the commodity and attach thereto an invoice executed by the producer covering the identical goods for which the supplier seeks payment".

(vi) In item 11, relating to petroleum Non-Fuels, delete the existing entries in toto and substitute the following:—

"11. Lubricants and Greases (AID Commodity Code 6211).—

A. Invoices for packaged lubricants and greases must identify commodities shipped hereunder by:

(1) AID Commodity Code.

- (2) Proprietary name, if any, and other suitable identifying description, including generally accepted trade identification symbol, and, when applicable, the viscosity number; and
- (3) Applicable United States Military or Federal Specification Number, if any.

B. For bulk shipments of lubricants, a copy of loading or inspection sheet identified to the invoice and showing analysis obtained from tests of the invoiced material.

(vii) In item 16, delete the existing entries *in toto* and substitute the following:—

"16. *Rubber, Tyres and Tubes and Repair materials (AID Commodity Code 8913).*—

The import of Rubber Tyres and Tubes will be subject to the condition that the U.S. Supplier should agree to purchase excess natural rubber from the U.S. Strategic and Critical Stockpile in such amounts as may be prescribed by the G.S.A. up to the full dollar value of sale price of the tyres and tubes supplied. Full particulars concerning the amount of rubber to be purchased from the stockpile under this particular program may be secured from the General Services Administration, Property Management and Disposal Service, Washington, D.C. 20405..

For tyres, tubes and repair materials, Form AID-285 to be executed by the supplier. If the supplier indicates on Form AID-285 that he is not also the producer of the Commodity, he shall submit an additional Form AID-285 executed by the producer of the commodity and attach thereto an invoice executed by the producer covering the identical goods for which the supplier seeks payment."

P. D. KASBEKAR,

Chief Controller of Imports and Exports.